



Request for Proposal 03-75810

Medi-Cal Reimbursement Rate Support Services

California Department of Health Services
Office of Medi-Cal Procurement
PO Box 942732
600 North Tenth Street, Room 240C
Sacramento, CA 94234-7320

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Attachment #	Attachment Name
Attachment 1	Proposal Cover Page
Attachment 2	Required Attachment / Certification Checklist
Attachment 3	Proposer Information Sheet
Attachment 4	Proposer References

Attachment #	Attachment Name
Attachment 5	CCC 103 - Certification
Attachment 6	Payee Data Record
Attachment 7	DVBE Instructions / Forms with Attachment 7a, Actual DVBE Participation and Attachment 7b, Good Faith Effort
Attachment 8	Target Area Contract Preference Act (TACPA) Request
Attachment 9	Enterprise Zone Act (EZA) Preference Request
Attachment 10	Work Plan
Attachment 11	Cost Section: Cost Proposal Form (Part One)
Attachment 11	Cost Section: Cost Proposal Form (Part Two)
Attachment 11	Cost Section: Cost Proposal Form (Part Three)
Attachment 12	"Voluntary" Letter of Intent
Attachment 13	Conflict of Interest Compliance Certificate

S. SAMPLE CONTRACT FORMS / EXHIBITS

Exhibit #	Exhibit Name
Exhibit A-1	Standard Agreement
Exhibit A	Scope of Work
Exhibit A, Attachment I	Position Duty Statements
Exhibit B	Payment Provisions
Exhibit C – View on-line.	General Terms and Conditions (GTC 103). View or download at this Internet site http://www.ols.dgs.ca.gov/Standard+Language/default.htm .
Exhibit D(F)	Special Terms and Conditions
Exhibit E	Additional Provisions
Exhibit F	Contractor's Release
Exhibit G	Travel Reimbursement Information
Exhibit H	HIPAA Business Associate Addendum
Exhibit I	Technical Proposal Submitted by Contractor on XX/XX/XXXX

T. PROGRAM APPENDICES

Appendix #	Appendix Name
Appendix 1	Driving Instructions to the Department of Health Services, Office of Medi-Cal Procurement
Appendix 2	Parking Instructions for the Department of Health Services, Office of Medi-Cal Procurement
Appendix 3	Glossary of Terms

A. Purpose, Background and Description of Services**1. Purpose**

The California Department of Health Services (DHS), Rate Development Branch, is soliciting proposals from firms that are able to render to DHS, professional services in the area of health care reimbursement rates as related to the Medi-Cal program. Proposals must address all of the services described in Exhibit A entitled, "Scope of Work".

The Rate Development Branch intends to make a single contract award to the most responsive and responsible firm earning the highest score. This procurement is open to all eligible firms and/or individuals that meet the qualification requirements, including commercial businesses, nonprofit organizations, State or public universities (including auxiliary organizations) and other entities.

2. Background

In July 1965, the Social Security Act was amended to add Title XVIII, which established the Medicare program, and Title XIX, which established the state-option Medicaid program, known in California as Medi-Cal. Title XIX provided federal reimbursement (called "federal financial participation") to those states that implemented a Medicaid program.

California State legislation implementing the Title XIX program was signed in November 1965. The Medi-Cal program became effective in March 1966. Prior to the start of Medi-Cal, indigent Californians were provided health care services through a variety of programs administered by the counties. With the advent of Medi-Cal, a wide range of health benefits are provided uniformly to certain individuals throughout the State whose income and resources are insufficient to meet the costs of necessary medical services without jeopardizing the person's, or the family's, self-maintenance and security.

Medi-Cal is funded primarily by federal and state funds. The federal government contributes approximately 50 percent toward health care service costs related to the health care delivery system. With few exceptions, the State contributes the balance. The Medi-Cal program is administered by the State in cooperation with the federal and county governments. Medi-Cal provides health care services to approximately 6.3 million beneficiaries at a cost in excess of \$27.7 billion a year and is one of the largest Medicaid programs in the nation. As in the past, the Medi-Cal program will continue to be modified because of federal and state legislation, departmental regulations, judicial and administrative decisions, and other efforts to enhance the program.

Slightly less than half of all Medi-Cal eligibles are covered under the Fee-For-Service (FFS) program. In the Managed Care program, health care plans are responsible for providing private health coverage. Over 50 percent of the Medi-Cal eligible population is enrolled in managed care plans, and the percentage of managed care plan enrollees is expected to increase.

DHS is the designated state agency responsible for administering the Medi-Cal program, including the rates of reimbursement paid to health care providers. Over the last several years, numerous lawsuits have been filed by health care providers and their associations regarding reimbursement rates. For the last seventeen years, DHS has engaged an independent contractor to assist DHS and the Attorney General in defending against these lawsuits. The purpose of this RFP is to guarantee that DHS has continued access to a contractor's assistance in this area.

B. Time Schedule

Below is the tentative time schedule for this procurement:

Event	Date	Time (If applicable)
RFP Released	09/30/03	
Data Library Opens	09/29/03	
Questions Due From Proposers	10/07/03	4:00 p.m.
Voluntary Letter of Intent	10/21/03	4:00 p.m.
Proposal Due Date	11/04/03	4:00 p.m.
Notice of Intent to Award Posted	12/18/03	
Protest Deadline	12/26/03	5:00 p.m.
Contract Award Date	12/29/03	
Proposed Start Date of Agreement	01/02/04	

C. Contract Term

The term of the resulting agreement is expected to be 30 months with the possibility of 2 one-year extensions and is anticipated to be effective from January 2, 2004 through June 30, 2006. The agreement term may change if DHS makes an award earlier than expected or if DHS cannot execute the agreement in a timely manner due to unforeseen delays.

The resulting contract will be of no force or effect until it is signed by both parties and approved by the Department of General Services, if required. The Contractor is hereby advised not to commence performance until all approvals have been obtained. Should performance commence before all approvals are obtained, said services may be considered to have been volunteered if all approvals have not been obtained.

D. Proposer Questions

Please notify DHS immediately if you need clarification about the services sought or have questions about the RFP instructions or requirements. Put your inquiry in writing and transmit it to DHS as instructed below. At its discretion, DHS reserves the right to contact an inquirer to seek clarification of any inquiry received.

Proposers that fail to report a known or suspected problem with the RFP or fail to seek clarification and/or correction of the RFP shall submit a proposal at their own risk.

1. What to Include in an Inquiry

- a. Your name, name of your firm, mailing address, area code and telephone number, and fax number.
- b. A description of the subject or issue in question or discrepancy found.

- c. RFP section, page number or other information useful in identifying the specific problem or issue in question.
- d. Remedy sought, if any.

2. Question Deadline

DHS will accept written or faxed inquiries received by **4:00 p.m. on October 7, 2003**. At its discretion, DHS may contact an inquirer to seek clarification of any inquiry received.

OMCP will accept questions or inquiries about the following issues up to the proposal submission deadline.

- a. Disabled Veterans Business Enterprise (DVBE) participation requirements and how to complete the DVBE attachments;
- b. The reporting of RFP errors or irregularities.

3. How to Submit Questions

Submit inquiries using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Questions RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao 600 North Tenth Street, Room 240C P.O. Box 942732 Sacramento, CA 94234-7320	Questions RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao Fax: (916) 464-0855

Proposers submitting inquiries are responsible for confirming the receipt of all materials by the question deadline.

Call the Office of Medi-Cal Procurement at (916) 323-7406 and state that you wish to confirm receipt of your communication.

For driving and parking instructions, see Appendix 1 and 2.

4. Verbal questions

Because verbal inquiries are easily misinterpreted, you are **highly encouraged** to submit all inquiries in writing. DHS reserves the right not to accept or respond to verbal inquiries. **Verbal remarks provided in response to verbal inquiries are unofficial and are not binding on DHS unless later confirmed in writing.**

No inference should be drawn from any question to which the Department does not respond in writing.

Direct all verbal requests for DVBE assistance to DHS' DVBE Coordinator at (916) 324-0140 up to the proposal deadline.

E. Data Library

A Data Library for the sole use of Proposers will be established on September 30, 2003. The Data Library will be accessible **by appointment** on State working days Monday through Friday from 8:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m. Data Library materials are also available electronically (see Section E.5 "Obtaining Copies of Data Library Materials" for more detail). Access to the Data Library is restricted to authorized Proposers and/or their authorized representatives who have established an advance appointment through the process described below. Your organization must have a complete, signed set of Authorization Documents on file with the Office of Medi-Cal Procurement. The same company official shall sign all Authorization Documents.

1. Authorization Documents

Documents required to be on file for access to the Data Library shall include:

- a. Data Library Confidentiality Agreement; and
- b. List of Authorized Personnel

2. Location

DHS will maintain the Data Library at the following location:

Department of Health Services
Office of Medi-Cal Procurement
600 North Tenth Street, Room 240C
Sacramento, CA 95814

For driving and parking instructions, see Appendix 1 and 2.

3. Appointments (Required for Access)

Appointments to access the Data Library are **required** and may be arranged by contacting DHS through one of the following methods:

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Library Appointment RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao 600 North Tenth Street, Room 240C P.O. Box 942732 Sacramento, CA 94234-7320	Library Appointment RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao Fax: (916) 464-0855
Telephone: Contact Cristyn Lao at (916) 323-7406	

After establishing access rights, please make your appointment request and include the following information in your request:

- a. Name
- b. Title
- c. Firm you represent
- d. Telephone number
- e. Fax number
- f. Email address, if applicable
- g. Desired date of visit
- h. Desired time of visit

For driving and parking instructions, see Appendix 1 and 2.

4. Contents

The Data Library contains various documentation and information that Proposers may find beneficial in the preparation of their proposal responses. Examples of Data Library materials include:

1. State Medi-Cal Litigation Contract #98-15416 (Tucker Alan, Inc.) executed July 1, 1998
2. State Medi-Cal Litigation Contract Amendments #01 – 08
3. Overview of State Litigation Cases:
 - Sanchez, et al. vs. Johnson, et al.
 - California Healthcare Association v. Diana Bontá, Director
 - Davis, Charles, et al. v. California Health and Human Services Agency; Grantland Johnson; City and County of San Francisco; California Department of Health Services
 - Arizona Burn Center v. DHS and Chandler Regional Medical Center, et al. v. DHS
4. Sample Reports/Studies:
 - Home Health Agency Access Study
 - Antihemophilic Factor (AHF) Rate & Policy Study
 - Prototype and Expanded Cost Studies Preliminary Report on Hospital Outpatient Services

Data Library materials may be periodically updated and additional documents may be added. Proposers that have requested access to the Data Library will be notified of the additions and/or changes by way of written notice.

5. Obtaining Copies of Library Materials

Proposers that wish to obtain reproduced copies of Data Library materials may do so by contacting Cristyn Lao at (916) 323-7406. Proposers are encouraged to provide their own copying services when possible.

DHS will assess photocopying fees at a rate of ten cents per page, and/or any applicable fees to cover the cost of reproducing materials to other medium such as floppy disks or CD-Rs unless supplied by the Proposer. A check or money order made payable to the Department of Health Services will be required before materials can be released.

The Data Library is also available electronically and may be copied to a CD-R for your use. The Department strongly encourages Proposers to use this medium to obtain copies of Data Library documents. Please contact Cristyn Lao at (916) 323-7406 for details on obtaining a CD-R copy of the Data Library materials.

F. Reasonable Accommodations

For individuals with disabilities, the Department will provide assistive services such as reading or writing assistance, and conversion of Request for Proposal, questions/answers, RFP Addenda, applicable library materials, or other Administrative Notices into Braille, large print, audiocassette or computer disk. To request such services or copies in an alternate format, please call the number below no later than October 7, 2003 to arrange for reasonable accommodations:

Cristyn Lao
Office of Medi-Cal Procurement
Program Phone Number (916) 323-7406
Phone Number (TTY) California Relay 711/1-800-735-2929

NOTE: The range of assistive services available may be limited if requests are received less than ten State working days prior to the date the alternate format material is needed.

G. “Voluntary” Letter of Intent**1. General information**

Prospective Proposers are asked to voluntarily indicate either their intention to submit a proposal or to indicate the reason(s) for not submitting a proposal. Failure to submit a Letter of Intent will not affect the acceptance of any proposal. The Letter of Intent is not binding and prospective Proposers are not required to submit a proposal merely because a Letter of Intent is submitted. **Use the Letter of Intent (Attachment 12) for this purpose.**

Please be advised that while the Letter of Intent is voluntary, the Department will continue to provide **automatic updates** about the RFP only to prospective Proposers who have provided a voluntary Letter of Intent. It is incumbent upon any Proposer **who has not submitted** a voluntary Letter of Intent, but intends to bid on this contract, to monitor the DGS website at: <http://www.dhs.ca.gov/omcp> for any administrative bulletins and/or RFP addenda updates to the RFP. A Proposer may also call (916) 323-7406 to request any administrative bulletins and/or RFP addenda updates to the RFP.

Letters of Intent will not become public information until after the final date for submission of proposals.

2. Submitting a Letter of Intent

The Voluntary Letter of Intent must be received by OMCP by **4:00 p.m. on October 22, 2003, to ensure receipt of the automatic updates set forth in the immediately preceding Paragraph 1.**

Submit the Letter of Intent using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Letter of Intent RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao 600 North Tenth Street, Room 240C P.O. Box 942732 Sacramento, CA 94234-7320	Letter of Intent RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Attn: Cristyn Lao Fax: (916) 464-0855

Proposers transmitting a Letter of Intent are responsible for confirming the receipt of the Letter of Intent by the stated deadline, **to ensure receipt of the automatic updates set forth in the immediately preceding Paragraph 1.**

Call the Office of Medi-Cal Procurement at (916) 323-7406 to confirm communications.

For driving and parking instructions, see Appendix 1 and 2.

H. Scope of Work

See Exhibit A entitled, “Scope of Work” that is included in the Sample Contract Forms and Exhibits section of this RFP. Exhibit A contains a detailed description of the services and work that may be performed as a result of this procurement.

I. Qualification Requirements

Failure to meet the following requirements by the proposal submission deadline will be grounds for DHS to deem a Proposer non-responsive. Evaluators may choose not to thoroughly review or score proposals that fail to meet these requirements. In submitting a proposal, each Proposer must certify and prove that it possesses the following qualification requirements.

1. Qualifications

At least three consecutive years of experience of the type(s) listed below. All experience must have occurred within the past five years. It is possible to attain the experience types listed below during the same time period. Proposers must have experience:

- a. Developing and maintaining automated databases used to facilitate analyses of issues in litigation and regulation development and to serve as the foundation of an evidentiary base to support issue statements, arguments, and proposals in meetings, public hearings, and trial proceedings.
- b. Constructing and updating, as necessary, a computer model of a Medicaid reimbursement system for various providers, including but not limited to long-term-care, hospital, and outpatient facilities for the purpose of analyzing individual reimbursement variables (i.e., geographic location, inflation factors, audit adjustments, etc.) and their relative impact on the total reimbursement system.
- c. Analyzing and presenting rate, payment, and utilization information, and relating such information to cost information and/or issues raised in litigation and regulation development.
- d. Analyzing the financial condition of designated classes of providers over time, with a specific focus towards relevant issues arising in litigation and regulation development.
- e. Analyzing budget, reimbursement, and industry economic trends as they relate to litigation and regulation development.
- f. Analyzing publicly available national information and information from other states, as it relates to litigation and regulation development.
- g. Performing analysis and research to produce explanatory text and graphics to support litigation and regulation development.

- h. Reviewing court documents, discovery materials, and other relevant materials, and preparing analyses appropriate to litigation.
- i. Designing and preparing trial exhibits, document production requests, and other pleadings, and other written and/or oral testimony, where appropriate, in connection with litigation and regulation development.
- j. Analyzing and evaluating Medicaid reimbursement levels over time.
- k. Providing expert testimony for litigation and regulation development.
- l. Analyzing the effects of federal or state requirements on various provider reimbursement related issues.

2. Agreement to Contract Terms and Conditions

Proposers must certify that they have read and are willing to comply with all proposed terms and conditions addressed in the RFP section entitled, "Contract Terms and Conditions", including the terms appearing in the referenced contract exhibits and attachments. DHS may construe any modifications, conditions, alterations, additions, deletions, or changes to the language contained in Attachment 2 to the RFP as being non-responsive.

3. Corporations

Corporations must certify they are in good standing and qualified to conduct business in California.

4. Nonprofit Organizations

Nonprofit organizations must certify they are eligible to claim nonprofit status.

5. Business Integrity

Proposers must certify that they have a past record of sound business integrity and a history of being responsive to past contractual obligations.

6. Financial Stability

Proposers must certify they are financially stable and solvent and have adequate cash reserves to meet all financial obligations while awaiting reimbursement from the State.

7. Disabled Veteran Business Enterprise

Proposers must either achieve actual Disabled Veteran Business Enterprise (DVBE) participation or make an adequate Good Faith Effort (GFE) to meet the DVBE participation requirements. Detailed requirements are outlined in **Attachment 7 (DVBE Instructions/Forms)**.

8. Conflict of Interest

Any firm contracting with DHS is required to provide a statement addressing any conflict of interest or potential conflict of interest as described in **Conflict of Interest Compliance Certificate (Attachment 13)**.

J. Proposal Format and Content Requirements

1. General instructions

- a. Each firm or individual may submit only one proposal.

For the purposes of this paragraph, “firm” includes a parent corporation of a firm and any other subsidiary of that parent corporation. If a firm or individual submits more than one proposal, DHS will reject all proposals submitted by that firm or individual.

A firm or individual proposing to act as a prime contractor may be named as a subcontractor in another Proposer’s proposal. Similarly, more than one Proposer may use the same subcontractors and/or independent consultants.

- b. Develop proposals by following all RFP instructions and/or clarifications issued by DHS in the form of question and answer notices, clarification notices, Administrative Bulletins or RFP addenda.
- c. Before submitting your proposal, seek timely written clarification of any requirements or instructions that you believe to be vague, unclear or that you do not fully understand.
- d. In preparing your proposal response, all narrative portions should be straightforward, detailed and precise. DHS will determine the responsiveness of a proposal by its quality, not its volume, packaging or colored displays.
- e. Arrange for the timely delivery of your proposal package(s) to the address specified in this RFP.

2. Format requirements

- a. Assemble the cost proposal and technical proposal as follows:

1) Assembly of Cost Proposal

- a) Submit one (1) original proposal, five (5) written copies or sets, and one (1) copy on CD-R in any DHS standard platform (i.e. Word, Excel, and Adobe).
- b) Assemble the original cost proposal and five (5) copies. Place the cost proposal set marked “Original” on top, followed by the five (5) extra copies. Place all cost proposal copies, the original and CD-R copy in a single envelope or package, if possible. Seal the envelope(s) or package(s) and clearly label the packages or envelopes as the cost proposals.
- c) Each proposal set must be complete with a copy of all required attachments and documentation.
- d) If you submit more than one envelope or package, carefully label each one and mark on the outside of each envelope or package “1 of X”, “2 of X”, etc.

2) Assembly of Technical Proposal

- a) Submit one (1) original proposal, five (5) written copies or sets, and one (1) copy on CD-R in any DHS standard platform (i.e. Word, Excel, and Adobe).
- b) Assemble the original technical proposal and five (5) copies. Place the technical proposal set marked “Original” on top, followed by the five (5) extra copies. Place all technical proposal copies, the original and CD-R copy in a

single envelope or package, if possible. Seal the envelope(s) or package(s) and clearly label the packages or envelopes as the technical proposals.

- c) Each proposal set must be complete with a copy of all required attachments and documentation.
- d) If you submit more than one envelope or package, carefully label each one and mark on the outside of each envelope or package "1 of X", "2 of X", etc.

5. Packaging of Cost Proposal and Technical Proposal

The cost proposals may be mailed or delivered in a common shipping box but must be in separate sealed and clearly identifiable packaging from the technical proposal.

b. Format the narrative portions of the proposal as follows:

- 1) Use one-inch margins at the top, bottom, and both sides.
- 2) Use a font size of not less than 11 points.
- 3) Print pages single-sided on white bond paper.
- 4) Sequentially paginate the pages in each section. It is not necessary to paginate items in the Forms Section or Appendix Section.

c. Bind each proposal set in a way that enables easy page removal. Loose leaf or three-ring binders are acceptable.

d. All RFP attachments that require a signature must be signed in ink, preferably in a color other than black.

- 1) Have a person who is authorized to bind the proposing firm sign each RFP attachment that requires a signature. Signature stamps are not acceptable.
- 2) Place the originally signed attachments in the proposal set marked "Original".
- 3) The RFP attachments and other documentation placed in the proposal copies may reflect photocopied signatures.
- 4) For the CD-R copy: Any document requiring a signature or any document that cannot be electronically copied should be scanned and placed on the CD as a PDF file.

e. Do not mark any portion of your proposal response, any RFP attachment or other item of required documentation as "Confidential" or "Proprietary". DHS will disregard any language purporting to render all or portions of a proposal confidential.

3. Content Requirements

This section specifies the order and content of each proposal. Assemble the materials in each proposal set in the following order:

a. Proposal Cover Page

A person authorized to bind the Proposer must sign the Proposal Cover Page **(Attachment 1)**. If the Proposer is a corporation, a person authorized by the Board of Directors to sign on behalf of the Board must sign the Proposal Cover Page.

b. Table of Contents

Properly identify each section and the contents therein. Paginate all items in each section with the exception of those items placed in the Forms Section and Appendix Section.

c. Executive Summary Section

This section must not exceed three (3) pages in length. Evaluators may not review or evaluate excess pages.

In preparing your Executive Summary, do not simply restate or paraphrase information in this RFP. Describe or demonstrate, in your own words, the following information.

- 1) Your understanding of DHS' needs and the importance of this project.
- 2) The tangible results that you expect to achieve.
- 3) Your firm's sincere commitment to perform the scope of work in an efficient and timely manner.
- 4) How you will effectively integrate this project into your firm's current obligations and existing workload.
- 5) Why your firm should be chosen to undertake this work at this time.

d. Agency Capability Section

- 1) Include a brief history of your firm, including:
 - a) Date of establishment. If applicable, explain any changes in your business history or organizational structure that will assist DHS in determining your qualifications.
 - b) A description of your firm's goals that are relevant, closely related, or will complement this project.
- 2) Describe the experience that qualifies your firm to undertake this project. At a minimum, demonstrate your firm's possession of three consecutive years of experience of the types listed in this section. All experience must have occurred within the past five years. It is possible to attain the experience types listed below during the same time period. Proposers must have experience:
 - a) Developing and maintaining automated databases used to facilitate analyses of issues in litigation and regulation development and to serve as the foundation of an evidentiary base to support issue statements, arguments, and proposals in meetings, public hearings, and trial proceedings.
 - b) Constructing and updating, as necessary, a computer model of a Medicaid reimbursement system for various providers, including but not limited to long-term-care, hospital, and outpatient facilities for the purpose of analyzing

individual reimbursement variables (i.e., geographic location, inflation factors, audit adjustments, etc.) and their relative impact on the total reimbursement system.

- c) Analyzing and presenting rate, payment, and utilization information, and relating such information to cost information and/or issues raised in litigation and regulation development.
 - d) Analyzing the financial condition of designated classes of providers over time, with a specific focus towards relevant issues arising in litigation and regulation development.
 - e) Analyzing budget, reimbursement, and industry economic trends as they relate to litigation and regulation development.
 - f) Analyzing publicly available national information and information from other states, as it relates to litigation and regulation development.
 - g) Performing analysis and research to produce explanatory text and graphics to support litigation and regulation development.
 - h) Reviewing court documents, discovery materials, and other relevant materials, and preparing analyses appropriate to litigation.
 - i) Designing and preparing trial exhibits, document production requests, and other pleadings, and other written and/or oral testimony, where appropriate, in connection with litigation and regulation development.
 - j) Analyzing and evaluating Medicaid reimbursement levels over time.
 - k) Providing expert testimony for litigation and regulation development.
 - l) Analyzing the effects of federal or state requirements on various provider reimbursement related issues.
- 3) Briefly, describe the accounts or work projects begun and/or completed in the past three years that involved services similar in nature or closely related to the Scope of Work in this RFP. For each account or project listed, include the following information:
- a) Name of agency or firm for whom services were performed,
 - b) Duration or length of the project
 - c) Total cost or value of the project,
 - d) Indicate if the account or project is “active/open” or “closed/settled”.
 - e) Describe briefly the type and nature of the services you performed.
- 4) Briefly describe any experience that demonstrates your firm’s ability to establish and maintain effective working relationships with government entities, local community based organizations, and private nonprofit organizations.

- 5) Identify three client references that your firm has serviced in the past five years that can confirm their satisfaction with your services and confirm if your firm provided timely and effective services or deliverables. Use the Proposer References form (**Attachment 4**) for this purpose. **Place the completed Proposer References form in the Forms section of your proposal.**

e. Work Plan Section

1) Overview

- a) DHS is interested in proposals that provide well-organized, comprehensive and technically sound business solutions. Vague explanations will undermine your firm's credibility and will result in reduced proposal scores.
- b) The Work Plan must include an in-depth discussion and description of the methods, approaches and step-by-step actions that will be carried out to fulfill all services described in Exhibit A, Paragraph 5.

If the nature of a task or function hinders specific delineation of in-depth methods and procedures (e.g., a task is dependent upon a future action or multiple approaches may be used), explain the probable methods, approaches or procedures that you will use to accomplish the task or function. Also, describe, in this instance, how you will propose the ultimate strategies and detailed plans to DHS for full consideration and approval before you proceed to carry out the project.

- c) If, for any reason, the Work Plan does not wholly address each service described in Exhibit A, Paragraph 5, fully explain each omission.

2) Rejection of Tasks, Activities or Functions

- a) If full funding does not become available, is reduced, or DHS determines that it does not need all of the services described in this RFP; DHS reserves the right to offer an amended contract for reduced services.

3) Work Plan Content

- a) Briefly explain or describe the overall approach and/or methods that you will use to accomplish the Scope of Work.
- b) Explain why you chose the particular approaches and/or methods that are proposed (e.g. proven success or past effectiveness, etc.). Include an explanation of the benefit of these approaches and/or methods over other methods or approaches considered.
- c) If applicable, explain what is unique, creative, or innovative about your proposed approaches and/or methods.
- d) If you envision any major complications or delays at any stage of performance, describe those complications or delays and include a proposed strategy for overcoming those issues. Likewise, indicate if you do not anticipate any major complications or delays.

- e) Identify the specific tasks/activities and functions that you will perform in the order you believe they will occur. Include the following in-depth information for each task/activity or function in the work plan:

- i. Indicate who will have primary responsibility for performing each major task/activity or function. If known, identify the name and position title of all key personnel, subcontractors and/or consultants that will perform the work.

If the responsible party is unknown or not yet identified, identify a staff position title or project name/title and indicate "TBD" which is the abbreviation for "to be determined".

- ii. Include a performance timeline for each major task/activity or function. Indicate the approximate beginning and ending month and year. If a task/activity or function will only occur in one fiscal period or year, indicate the beginning and ending month and year.

If desirable, in addition to start and end dates, you may use other terms such as start-up, ongoing, continuous, etc. to describe the performance timeline. In doing so, you must define the meaning of each unique term that you use.

- iii. Explain/describe how you intend to measure or prove successful completion of each major task, function or activity.

If applicable, identify the key events or outcomes that will signify completion or identify tangible items (deliverables) that will result at the conclusion of the various tasks/activities or functions.

f. Management Plan Section

- 1) Describe how you will effectively coordinate, manage and monitor the efforts of the assigned staff, including subcontractors and/or consultants, if any, to ensure that all tasks, activities and functions are completed effectively and in a timely manner.
- 2) Describe the fiscal accounting processes and budgetary controls you will use to ensure the responsible use and management of contract funds and accurate invoicing. Include at a minimum, a brief description of all of the following:
 - a) How the costs incurred under this project will be appropriately accounted for and only applicable project expenses will be billed to DHS (e.g., use of unique account/project codes, etc.).
 - b) Your fiscal reporting and monitoring capabilities (e.g., spread sheets, automated fiscal reports, quality controls, checks and balances, etc.) to ensure contract funds are managed responsibly.
 - c) Proposed billing or invoicing frequency (not more frequently than once per month). Electronic billing is not possible.
 - d) Identify the documentation that you will maintain on file or submit to DHS upon request to prove, support and/or substantiate the expenses that are invoiced to DHS.
- 3) Include an organization chart. Instructions are explained in the Appendix section. **Place the organization chart in the Appendix section of your proposal.**

- 4) Include financial statements. Instructions are explained in the Appendix section.
Place the financial statements in the Appendix section of your proposal.

g. Project Personnel Section

- 1) In this section, describe your proposed staffing plan. In the staffing plan, include at a minimum:

The title and position of all Key Personnel who will work on this contract. (See Exhibit A, Attachment I for sample duty statements for suggested personnel classifications). Please note that DHS reserves the right to approve or disapprove of changes in Key Personnel that occur after DHS awards the contract.

DHS understands that some firms/partnerships may use job titles that are different from the personnel classes listed on the Cost Proposal Form. For the purposes of this RFP, bidders may list alternative job titles that closely match the knowledge and abilities of the personnel classes listed on the Cost Proposal Form. Please attach a short statement to the Cost Proposal Form, identifying 1) the title from the Cost Proposal Form that your firm does not use and 2) the title that your firm uses which you believe is equivalent to the title set forth in the Cost Proposal Form. DHS will not construe the attachment of this statement to the Cost Proposal Form as being non-responsive.

- a) The staff positions required for this RFP. Also indicate the number and Full Time Equivalent (FTE) people that are projected to staff each position. DHS requires a minimum of 1 FTE per personnel class listed on the Cost Proposal Form (Attachment 11).
 - b) Identify by name and/or position title, each key staff person that will have primary responsibility for managing, directing, overseeing and/or coordinating the work of assigned staff, subcontractors and/or independent consultants. Clearly indicate who will maintain effective communications with DHS (i.e., Vice President, Litigation Project Manager, Litigation Research Specialist, etc.).
 - i. Briefly, describe each person's expertise, capabilities and credentials.
 - ii. Emphasize any relevant past experience in directing, overseeing, coordinating or managing other government projects.
 - c) Include a resume for each key staff person (professional, managerial or supervisory) who will exercise a major administrative, policy, or consulting role in carrying out the project work. **Place staff resumes in the Appendix section.** To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.
- 2) Briefly, describe the administrative policies or procedures you will use to ensure that you will recruit and select well-qualified, competent, and experienced in-house staff, subcontractors and/or independent consultants.
 - a) If employee recruitment/selection policies or procedures are present in an operations manual, you may cite excerpts from such manuals. Do not simply indicate that such policies exist and do not attach copies of any policies or manuals to your proposal. If deemed necessary, DHS may request copies of your existing manuals or policies.

- 3) Briefly, describe the processes or procedures that you will use to ensure that vacancies are filled expeditiously and that services are continued despite the presence of vacancies.
- 4) If subcontractors (including independent consultants) will be used to perform contract services, Proposers must do the following at the time of proposal submission:
 - a) Indicate if you have pre-identified any firms/persons to perform the work or if you will recruit them later.
 - i. For each pre-identified subcontractor and independent consultant include:
 - A. Full legal name.
 - B. A brief description of the major duties and functional responsibilities that you intend to assign to the subcontracted firm or independent consultant.
 - C. A brief explanation as to why you chose the subcontracted firm or independent consultant. Stress things such as applicable skills, knowledge, capabilities, past experience or accomplishments, availability, reasonableness of rates, notoriety in a field or specialty, etc.
 - D. A resume for each pre-identified subcontractor and independent consultant. **Place all subcontractor and/or consultant resumes in the Appendix section.** To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.
 - E. A letter of agreement, signed by an official representative of each subcontracted firm or independent consultant. **Place all subcontractor and/or consultant letters of agreement in the Appendix section.**

Specific subcontractor and/or independent consultant relationships proposed in response to this RFP (i.e., identification of pre-identified subcontractors and independent consultants) shall not be changed during the procurement process or prior to contract execution. The pre-identification of a subcontractor or independent consultant does not affect DHS' right to approve personnel or staffing selections or changes made after the contract award.
 - ii. For subcontractors and/or independent consultants that cannot be identified when the proposal is submitted to DHS or are to be determined (TBD) after the contract is executed, include:
 - A. An identification of the functions, activities and responsibilities that you intend to assign to each subcontractor and/or independent consultant.
 - B. A description of the process that you will use to obtain DHS approval of each subcontractor and/or independent consultant selection along with approval of their budgeted costs and assigned responsibilities.
 - h. Facilities and Resources Section

Describe the following as it relates to your capacity to perform the scope of work:

- 1) Current office facilities at your disposal including number of offices owned or leased, square footage, number of staff housed and physical location or address.
- 2) Current support services and office equipment capabilities immediately available and/or accessible for use in carrying out the proposed scope of work. Include such things as, but not limited to:
 - a) A description of the range and/or type of support services available and number of staff.
 - b) Messenger, delivery, shipping, distribution, or transport capabilities.
 - c) Teleconferencing or telecommunications capabilities.
 - d) Printing/reproduction or photocopying capabilities.
 - e) Computer hardware and system capabilities (i.e., number, type, size, age, capacity and speed of personal computers or work stations and servers; Local Area Network capabilities, Wide Area Network capabilities; data transfer capabilities (disk or tape), data storage capacity, video/graphics capabilities, etc.).
 - f) Software applications in use (word processing applications, spread sheet applications, data base applications, graphics development applications, Web page design applications, unique or other specialized software applications, etc.).
 - g) Other support functions or capabilities that can be accessed and/or utilized.
- 3) Identify any facilities, support services or equipment that you must purchase, rent or lease on a long or short-term basis to perform the services described in this RFP.

i. Cost Section

- 1) Basic Content
 - a) The Cost section will consist of the Cost Proposal Form (Attachment 11).
 - b) The hourly bid rates which you list on Attachment 11 will remain the same for the entire contract term.
- 2) General Instructions
 - a) Attachment 11 must be typewritten or completed in ink. Errors, if any, should be crossed out and corrections should be printed in ink or typewritten adjacent to the error. The person who signs Attachment 11 should initial all corrections preferably in blue ink.
 - b) On the Cost Proposal form (Attachment 11), indicate the annual cost for each budget period and include a total cost.
 - c) When completing the cost forms, include all estimated costs to perform the services for the entire term, including applicable annual rate adjustments attributable to merit increases, profit margins, and inflation or cost of living adjustments.

j. Appendix Section

Place the following documentation in the Appendix section of your proposal in the order shown below.

1) **Proof of Corporate Status**

If the Proposer is a Corporation, submit a copy of your firm's most current Certificate of Status issued by State of California, Office of the Secretary of State. Submit an explanation if you cannot submit this documentation. Unless otherwise specified, do not submit copies of your firm's Bylaws or Articles of Incorporation.

2) **Proof of Nonprofit Status**

Nonprofit organizations must prove they are legally eligible to claim "nonprofit" and/or tax-exempt status by submitting a copy of an IRS determination letter indicating nonprofit or 501 (3)(c) tax-exempt status. Submit an explanation if you cannot supply this documentation.

3) **An Organization Chart**

The organizational chart must show the lines of authority and reporting relationships within your organization including the relationship between management and subcontractors and/or independent consultants, if any.

4) **Financial Statements**

Submit copies of financial statements for the past two years or most recent twenty-four (24) month period.

- a) Quarterly and annual income statement(s), and
- b) Annual balance sheets

5) **Staff Resumes**

Resume specifications appear in the Project Personnel section. To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.

6) **Subcontractor/Consultant Resumes**

Submit a resume for each pre-identified subcontractor or independent consultant, if any, as discussed in the Project Personnel section. To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.

7) **Subcontractor/Consultant Letters of Agreement**

For each pre-identified subcontractor and independent consultant that will be used to perform services under the resulting contract, submit a letter of agreement to work on this project.

A letter of agreement must be signed by an official representative of each subcontracted firm or independent consultant, indicating his or her acknowledgement

of being named as a subcontractor or consultant, their availability to work on this project and acknowledgement that they have read or been made aware of the proposed contract terms, conditions and exhibits. Include an explanation if you cannot obtain a letter of agreement from each pre-identified subcontractor and consultant and indicate when a letter of agreement will be forthcoming.

8) Conflict of Interest Compliance Certificate

- a) Proposers must assess their own situation according to the Conflict of Interest Compliance Certification information in **Attachment 13**. Complete, sign and attach any required documentation according to the instructions on the attachment.
- b) In the event that a Proposer has a suspected or potential conflict relationship, the Proposer must provide a written statement to the State DHS that describes what relationship it has with the entity in question, and its plan for protecting the State DHS from any potential conflict or negative impact.

k. Forms Section

Complete, sign and include the forms/attachments listed below. When completing the attachments, follow the instructions in this section and any instructions appearing on the attachment. After completing and signing the applicable attachments, assemble them in the order shown below.

Attachment and/or Documentation	Instructions
2 - Required Attachment / Certification Checklist	1) Check each item with "Yes" or "N/A", as applicable, and sign the form. If necessary, explain your responses. 2) If a Proposer marks "Yes" or "N/A" and makes any notation on the checklist and/or attaches an explanation to the checklist to clarify their choice, DHS considers this a "qualified response". Any "qualified response", determined by DHS to be unsatisfactory or insufficient to meet a requirement, may cause a proposal to be deemed nonresponsive.
3 - Proposer Information Sheet	Completion of the form is self-explanatory.
4 - Proposer References	Identify three (3) clients you have serviced within the past five years that can confirm their satisfaction with your services and confirm if your firm provided timely and effective services or deliverables. If possible, identify clients whose needs were similar in scope and nature to the services sought in this RFP. List the most recent first.
5 - CCC 103 - Certification	Complete and sign this form indicating your willingness and ability to comply with the Contractor Certification Clauses appearing in this Attachment.

Attachment and/or Documentation	Instructions
6 - Payee Data Record	Complete and return this form, <u>only</u> if you have not previously entered a contract with DHS. If uncertain, complete and return the form.
7a - Actual DVBE Participation and applicable DVBE certification(s) and/or 7b - Good Faith Effort with required documentation	Read and carefully follow the completion instructions in Attachment 8. Attach the documentation that is required for the form(s) you choose to submit. One and/or both of these two forms may be required. Submission of these forms only applies to contract awards that equal \$10,000 or more for the entire contract term.
8 - Target Area Contract Preference Act Request	Complete and return this form, <u>only</u> if your firm is based in California, your total bid is \$100,000 or more, DHS has not pre-set any part of the work location, and you wish to apply for TACPA preference.
9 - Enterprise Zone Act (EZA) Preference Request	Complete and return this form, <u>only</u> if your firm is based in California, the total bid offered is \$100,000 or more, no part of the work location has been preset by DHS, and you wish to apply for EZA preference.

K. Proposal Submission

1. General Instructions

- a. Please refer to Section I.2. for format requirements and assembly instructions.
- b. Mail or arrange for hand delivery of your proposal to the Department of Health Services, Office of Medi-Cal Procurement (OMCP). Proposals may not be transmitted electronically by fax or e-mail.
- c. The Office of Medi-Cal Procurement must receive your proposal, regardless of postmark or method of delivery, by **4:00 p.m. on November 4, 2003**. Late proposals will not be reviewed or scored.
- d. Label and submit your proposal using one of the following methods.

Hand Delivery or Overnight Express:	U.S. Mail:
Proposal RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement 600 North Tenth Street, Room 240C Sacramento, CA 95814	Proposal RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement P.O. Box 942732 Sacramento, CA 94234-7320

For driving directions to the Office of Medi-Cal Procurement, see Appendix 1.

2. Proof of Timely Receipt

- a. DHS staff will log and attach a date/time stamped slip or bid receipt to each proposal package/envelope received. If a proposal envelope or package is hand delivered, DHS staff will give a bid receipt to the hand carrier upon request.
- b. **To be timely, DHS' Office of Medi-Cal Procurement must receive each proposal at the stated delivery address no later than 4:00 p.m. on the proposal submission due date. Neither delivery to the department's mailroom or a U.S. postmark will serve as proof of timely delivery.**
- c. DHS will deem late proposals non-responsive.

3. Proposer Costs

Proposers are responsible for all costs of developing and submitting a proposal. Such costs cannot be charged to DHS or included in any cost element of a Proposer's price offering.

L. Evaluation and Selection

Evaluation and Selection will consist of multiple stages as detailed below. The evaluation process will be used to review and/or score proposals. DHS will reject any proposal that is found to be non-responsive at any stage of evaluation. An Evaluation Committee will be used for all stages during the evaluation and selection process. The Evaluation Committee is comprised of four groups:

- The **Preliminary Review Committee (PRC)** consists of team leads from the OMCP and the Medi-Cal Policy Division (MCPD) and conducts Stage 1 review.
- The **Evaluation Scoring Committee (ESC)** consists of MCPD staff and DHS staff working in other areas of the Medi-Cal program. The ESC is responsible for the review of proposals.
- The **Rating Review Committee (RRC)** consists of OMCP management staff and members of the PRC. The RRC will interact with the ESC throughout the evaluation process.
- The **Executive Review Committee (ERC)** consists of DHS management officials. The ERC may, at the ERC's discretion, review evaluation and selection processes and recommended scores for each proposal throughout the procurement process. This review is to assure all appropriate procedures and processes have been followed. Additionally, the ERC may seek independent review or advice from individuals within DHS or elsewhere regarding procurement policy matters, technical and/or cost proposal deficiencies, and acceptability.

1. Stage 1 – Reviewing the Required Attachment / Certification Checklist

- a. Shortly after the proposal submission deadline, the PRC will convene to review each proposal for timeliness, completeness and initial responsiveness to the RFP requirements. This is a pass/fail evaluation.
- b. In this review stage, the PRC will compare the contents of each proposal to the claims made by the Proposer on the Required Attachment / Certification Checklist to determine if the Proposer's claims are accurate.

- c. If deemed necessary, the PRC may collect additional documentation (i.e., missing forms, missing data from RFP attachments, missing signatures, etc.) from a Proposer to confirm the claims made on the Required Attachment / Certification Checklist and to ensure that the proposal is initially responsive to the RFP requirements.
- d. If a Proposer's claims on the Required Attachment / Certification Checklist cannot be proven or substantiated, the proposal will be deemed non-responsive and rejected from further consideration.

2. Stage 2 – Scoring the Technical Proposal

- a. Technical proposals that appear to meet the basic format requirements, initial qualification requirements and contain the required documentation, as evidenced by passing the Stage 1 review, will be submitted to the ESC.
- b. The ESC will individually and/or as a team review, evaluate and numerically score technical proposals based on the proposal's adequacy, thoroughness, and the degree to which it complies with the RFP requirements.
- c. DHS will use the following scoring system to assign points. Following this chart is a list of the considerations that the ESC may take into account when assigning individual points to a technical proposal.

Points	Interpretation	General Basis For Point Assignment
0	Inadequate	Proposal response (i.e., content and/or explanation offered) is inadequate or does not meet DHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
1	Barely Adequate	Proposal response (i.e., content and/or explanation offered) is barely adequate or barely meets DHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s), are inconsequential and acceptable.
2	Fully Adequate	Proposal response (i.e., content and/or explanation offered) is fully adequate or fully meets DHS' needs/requirements or expectations. The omission(s), flaw(s), or defect(s), if any, are inconsequential and acceptable.
3	Excellent or Outstanding	Proposal response (i.e., content and/or explanation offered) is above average or exceeds DHS' needs/requirements or expectations. Minimal weaknesses are acceptable. Proposer offers one or more enhancing feature, method or approach that will enable performance to exceed our basic expectations.

- d. In assigning points for individual rating factors, the ESC may consider issues including, but not limited to, the extent to which a technical proposal:
 - 1) Is lacking information, lacking depth or breadth or lacking significant facts and/or details, and/or

- 2) Is fully developed, comprehensive and has few if any weaknesses, defects or deficiencies, and/or
 - 3) Demonstrates that the Proposer understands DHS' needs, the services sought, and/or the contractor's responsibilities, and/or
 - 4) Illustrates the Proposer's capability to perform all services and meet all scope of work requirements, and/or
 - 5) If implemented, will contribute to the achievement of DHS' goals and objectives, and/or
 - 6) Demonstrates the Proposer's capacity, capability and/or commitment to exceed regular service needs (i.e., enhanced features, approaches, or methods; creative or innovative business solutions).
- e. Below are the point values and weight values for each rating category that will be scored.
- 1) Technical proposals will be scored on a scale of 0 to 156 points, as follows:

<u>Rating Category</u>	<u>Total Possible Points</u>	X	<u>Weight</u>	=	<u>Total</u>
Executive Summary	15	X	1.0	=	15
Agency Capability	45	X	1.0	=	45
Work Plan	12	X	2.0	=	24
Management Plan	24	X	1.0	=	24
Project Personnel	21	X	2.0	=	42
Facilities and Resources	06	X	1.0	=	06
Grand Total					156

- 2) The technical proposal must achieve a weighted score of 94 points (60.26%) or better at Stage 2 for continued consideration. Final technical proposal scores shall result in numbers rounded to two decimal places. DHS will consider a proposal deficient and non-responsive if the technical proposal earns a score at Stage 2 that is less than 94 points. Non-responsive proposals will not advance to Stage 3.

3. Stage 3 – Scoring the Cost Proposal

- a. Proposers that earned a passing technical proposal score in Stage 2 will have the cost proposal scored and/or evaluated according to the process described herein.
- b. The ESC will award 156 cost points to the cost proposal offering the lowest total cost . The ESC will award cost points to the remaining cost proposals through the cost conversion formula shown below. **Final** cost calculations shall result in numbers rounded to two decimal places.

Lowest Cost x 156 (Maximum cost points) = Cost points awarded to Other Proposal
Cost of Other Proposal

- c. **Example For Illustration Purposes:**

Lowest cost earns 156 points.

$$\$100,000 \text{ (lowest cost)} \div \$127,000 \text{ (other proposal cost)} = .7874$$

$$.7874 \times 156 \text{ points} = 122.83 \text{ (Cost Points of other proposal)}$$

4. Stage 4 – Combining the Technical Proposal Score and Cost Proposal Score

DHS will combine the technical proposal score with the cost proposal score, according to the formula shown in Stage 6 below, and will tentatively identify the Proposer with the highest total proposal score.

5. Stage 5 – Adjusting the Score Calculations for Bidding Preferences

- a. DHS will determine which firms, if any, are eligible to receive a bidding preference (i.e., small business, TACPA and/or EZA).
- b. To confirm the identity of the highest scored responsible Proposer, DHS will adjust the total proposal costs for applicable claimed preference(s) and will readjust the Cost score of those Proposers eligible for bidding preferences. DHS will apply preference adjustments to eligible Proposers according to State regulations following verification of eligibility with the appropriate office of the Department of General Services. More information about the allowable bidding preferences appears in the RFP section entitled, "Preference Programs".

6. Stage 6 – Calculating the Total Proposal Score

The RRC will use the formula shown below to calculate total proposal scores and to determine the highest scored proposal.

- a. Technical Proposal Score X 70% = Weighted Technical Score
- b. Adjusted Cost Proposal Score X 30% = Weighted Cost Score
- c. Weighted Technical Score
 + Weighted Cost Score
 = Total Proposal Score

The final total proposal score calculations shall result in numbers rounded to two decimal places.

M. Technical Proposal Rating Factors

The ESC will use the following criteria to score the technical proposal.

1. Executive Summary

Executive Summary Rating Factors [Not to exceed 3 pages]	Points Possible	Points Earned
To what extent did the Proposer express, in its own words, its understanding of DHS' needs and the importance of this project? Assign 1 point or 0 points if the Proposer restates or paraphrases information in the RFP.	3	

Executive Summary Rating Factors [Not to exceed 3 pages]	Points Possible	Points Earned
To what extent did the Proposer demonstrate the tangible results that it expects to achieve? Assign 1 point or 0 points if the Proposer restates or paraphrases information in the RFP.	3	
To what extent did the Proposer express a sincere commitment to perform this work in an efficient and timely manner?	3	
To what extent did the Proposer demonstrate that it can effectively integrate this project into its current obligations and existing workload?	3	
To what extent did the Proposer adequately explain why it should be chosen to undertake this project at this time?	3	
Executive Summary Score _____ Points earned X 1.0 = _____		

2. Agency Capability

Agency Capability Rating Factors	Points Possible	Points Earned
Upon reviewing the Proposer's description of its business history, to what extent are the Proposing firm's goals relevant, closely related, or will their goals complement this project?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in developing and maintaining automated databases used to facilitate analyses of issues in litigation and regulation development and to serve as the foundation of an evidentiary base to support issue statements, arguments, and proposals in meetings, public hearings, and trial proceedings?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in constructing and updating, as necessary, a computer model of a Medicaid reimbursement system for various providers, including but not limited to long-term-care, hospital, and outpatient facilities for the purpose of analyzing individual reimbursement variables (i.e., geographic location, inflation factors, audit adjustments, etc.) and their relative impact on the total reimbursement system?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing and presenting rate, payment, and utilization information, and relating such information to cost information?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing the financial condition of designated classes of providers over time?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing budget, reimbursement, and industry economic trends as they relate to litigation and regulation development?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing publicly available national information and information from other states, as it relates to litigation and regulation development?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in performing analysis and research to produce explanatory text and graphics to support litigation and regulation development?	3	

Agency Capability Rating Factors	Points Possible	Points Earned
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in reviewing court documents, discovery materials, and other relevant materials, and preparing analyses appropriate to litigation?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in designing and preparing trial exhibits, document production requests, and other pleadings, and other written and/or oral testimony, where appropriate, in connection with litigation and regulation development?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing and evaluating Medicaid reimbursement levels over time?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in providing expert testimony for litigation and regulation development?	3	
From the experience described in its proposal, to what extent does the Proposer possess sufficient experience in analyzing the effects of federal or state requirements on various provider reimbursement related issues?	3	
Based on a review of the Proposer's information about its prior accounts or work projects in the past 3 years, to what extent did the Proposer demonstrate that it has performed services that were similar in nature or closely related to the RFP Scope of Work?	3	
To what extent did the Proposer demonstrate that it has had experience establishing and maintaining effective working relationships with government entities, local community based organizations, and private nonprofit organizations?	3	
Agency Capability Score _____ Points earned X 1.0 = _____		

3. Work Plan

Work Plan Rating Factors	Points Possible	Points Earned
To what extent are the Proposer's overall approaches and/or methods comprehensive and/or technically sound?	3	
To what extent did the Proposer offer a rationale basis for choosing its particular approaches and methods (i.e., proven success or past effectiveness)?	3	
To what extent are the proposed procedures, methods and approaches appropriate and reasonable (i.e., if implemented are they likely to produce the desired results)?	3	
To what extent does the Proposer describe in detail the specific actions (i.e., tasks/activities and functions) that the Proposer will perform to fulfill all scope of work requirements?	3	
Work Plan Score _____ Points earned X 2.0 = _____		

4. Management Plan

Management Plan Rating Factors	Points Possible	Points Earned
To what extent has the Proposer demonstrated its capability to effectively coordinate, manage and monitor the efforts of assigned staff (including subcontractors and consultants) to ensure that work is effectively completed and timely?	3	
Upon reviewing the Proposer's description of its fiscal accounting processes and budgetary controls, to what extent are the fiscal processes and controls adequate to ensure the responsible use and management of contract funds and accurate invoicing?	3	
Upon reviewing the Proposer's description of its fiscal accounting processes and budgetary controls, to what extent can the Proposer properly account for state project costs to ensure that only appropriate costs are billed to DHS?	3	
Upon reviewing a description of its fiscal accounting processes and budgetary controls, to what extent does the Proposer has appropriate fiscal reporting and fiscal monitoring capabilities to ensure contract funds are managed responsibly?	3	
Upon reviewing a description of its fiscal accounting processes and budgetary controls, to what extent has the Proposer demonstrated that it will maintain appropriate documentation to prove, support or substantiate the expenses invoiced to DHS?	3	
Upon reviewing the Proposer's organization chart in the Appendix Section, to what extent is the Proposer's organizational structure sound with distinct lines of authority and reporting relationships between management and all staff including subcontractors and independent consultants?	3	
Upon reviewing the Proposer's financial statements in the Appendix Section, to what extent is the Proposer financially stable and sound?	3	
Upon reviewing the Proposer's financial statements in the Appendix Section, to what extent does the Proposer have access to appropriate fiscal resources to carry State expenses for several months while awaiting reimbursement?	3	
Management Plan Score _____ Points earned X 1.0 = _____		

5. Project Personnel

Project Personnel Rating Factors	Points Possible	Points Earned
Upon reviewing the Proposer's staffing plan, to what extent has the Proposer allocated a sufficient number of staff in the appropriate position levels or classifications to perform the full range of services?	3	
Upon reviewing the Proposer's staffing plan, to what extent has the Proposer allocated ample FTEs or percentages of staff time for each position or classification?	3	
Upon reviewing the proposed job descriptions or duty statements for the proposed personnel, to what extent has the Proposer reasonably assigned the job responsibilities and tasks among the different personnel?	3	

Project Personnel Rating Factors	Points Possible	Points Earned
Upon reviewing the proposed job descriptions or duty statements for the proposed personnel (including subcontractors and independent consultants), to what extent has the Proposer reasonably divided the work between its in-house resources and proposed subcontractors (including independent consultants)? If no subcontracting or use of consultants is proposed, 3 points will be assigned based on the effectiveness of the Proposer's allocation of tasks to its in-house personnel.	3	
Upon reviewing the job descriptions and resumes of the proposed staff <i>[excluding the Vice President and Litigation Project Manager]</i> , to what extent do the proposed personnel possess the qualifications and expertise needed to perform the assigned duties?	3	
Upon reviewing the job descriptions and resumes of the proposed project <i>Vice President and Litigation Project Manager</i> , to what extent do the proposed personnel possess the qualifications, past experience and expertise needed to carry out their assigned responsibilities?	3	
Upon reviewing the Proposer's administrative policies and procedures, to what extent will the policies/procedures lead to the recruitment and selection of qualified, competent and experienced staff, subcontractors and/or independent consultants for this project?	3	
Project Personnel Score _____ Points earned X 2.0 = _____		

6. Facilities and Resources

Facilities and Resources Rating Factors	Points Possible	Points Earned
To what extent does the Proposer have access to office facilities that are sufficient to enable performance of the scope of work?	3	
To what extent does the Proposer have access to adequate support services and other resources that are needed to ensure successful performance?	3	
Facilities and Resources Score _____ Points earned X 1.0 = _____		

N. Bid Requirements and Information

1. Non-responsive Proposals

In addition to any condition previously indicated in this RFP, the following occurrences **may** cause DHS to deem a proposal non-responsive.

a. Failure of a Proposer to:

- 1) Meet DVBE participation goals or to demonstrate that a substantial Good Faith Effort (GFE) was made to meet those goals.
- 2) Meet proposal format/content or submission requirements including, but not limited to, the sealing, labeling, packaging and/or timely and proper delivery of proposals.
- 3) Pass the Required Attachment / Certification Checklist review (i.e., by not marking "Yes" to applicable items or by not appropriately justifying, to DHS' satisfaction, all "N/A" designations).

- 4) Submit a **mandatory** Conflict of Interest Compliance Certificate in the manner required, if applicable.
- b. If a Proposer submits a proposal that is conditional, materially incomplete or contains material defects, alterations or irregularities of any kind.
- c. If a Proposer supplies false, inaccurate or misleading information or falsely certifies compliance on any RFP attachment.
- d. If DHS discovers, at any stage of the bid process or upon contract award, that the Proposer is unwilling or unable to comply with the contract terms, conditions and exhibits cited in this RFP or the resulting contract.
- e. If other irregularities occur in a proposal response that is not specifically addressed herein (i.e., the Proposer places any conditions on performance of the Scope of Work, submits a counter proposal, etc.).

2. Proposal Modifications After Submission

- a. All proposals are to be complete when submitted. However, an entire proposal may be withdrawn and the Proposer may resubmit a new proposal.
- b. To withdraw and/or resubmit a new proposal, follow the instructions appearing in the RFP section entitled, "Withdrawal and/or Resubmission of Proposals".

3. Withdrawal and/or Resubmission of Proposals

a. Withdrawal Deadlines

A Proposer may withdraw a proposal at any time before the proposal submission deadline.

b. Submitting a Withdrawal Request

- 1) Submit a written withdrawal request, signed by an authorized representative of the Proposer.
- 2) Label and submit the withdrawal request using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Withdrawal RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement P.O. Box 942732 600 North Tenth Street, Room 240C Sacramento, CA 94234-7320	Withdrawal RFP 03-75810 Department of Health Services Office of Medi-Cal Procurement Fax: (916) 464-0855

- 3) **[For faxed withdrawal requests]** Proposers must call (916) 323-7406 to confirm receipt of a faxed withdrawal request. Follow-up the faxed request by mailing or delivering the signed original withdrawal request within 24 hours after submitting a faxed request.

An originally signed withdrawal request is generally required before DHS will return a proposal to a Proposer. DHS may grant an exception if the Proposer informs DHS that a new or replacement proposal will immediately follow the withdrawal.

c. Resubmitting a Proposal

After withdrawing a proposal, Proposers may resubmit a new proposal according to the proposal submission instructions. Replacement proposals must be received at the stated place of delivery by the proposal due date and time.

4. Contract Award and Protests

a. Contract Award

- 1) Award of the contract, if awarded, will be to the responsive and responsible Proposer, who earns the highest total score. The highest scored proposal will be determined after DHS adjusts Proposer scores for applicable bidder preferences.
- 2) DHS shall award the contract only after DHS posts a Notice of Intent to Award for five (5) working days. DHS expects to post the Notice of Intent to Award before the close of business on December 18, 2003 at the following locations:

Office of Medi-Cal Procurement
600 North 10th Street, Suite 240C
Sacramento, CA 95814

and

Department of Health Services
Contract Management Unit
1501 Capitol Avenue, First Floor Guard Station
Sacramento, CA 94234-7320

- 3) DHS will mail or fax a written notification and/or a copy of the Notice of Intent to Award to all firms that submitted a proposal.
- 4) DHS will confirm the contract award to the winning Proposer after the protest deadline, if no protests are filed or following the Department of General Service's resolution of all protests. DHS staff may confirm an award verbally or in writing.

b. Settlement of Ties

In the event of a precise highest score tie between a certified small business and a certified DVBE, the contract will be awarded to the DVBE per Government Code Section 14838(f) et seq.

DHS will settle all other tied total scores by making an award to the Proposer who earns the highest score on their narrative proposal (e.g., Technical Proposal). If narrative proposal (e.g., Technical Proposal) scores are also tied, DHS will settle the tie in a manner that DHS determines to be fair and equitable (e.g., coin toss, lot drawing, etc.). In no event will DHS settle a tie by dividing the work among the tied Proposers.

c. Protests

- 1) Who Can Protest

Any Proposer who submits a proposal may file protest if the Proposer believes its proposal is responsive to all RFP requirements.

2) Grounds for Protests

Protests are limited to the grounds described in Public Contract Code (PCC) Section 10345. DHS will not make an award until all protests are withdrawn by the protestant, denied, or resolved to the satisfaction of the Department of General Services (DGS).

3) Protest Time Lines

- a. Eligible Proposers may file a first and quite brief "Notice of Intent to Protest" within five working days after DHS posts the Notice of Intent to Award.
- b. Within five calendar days after filing a "Notice of Intent to Protest", the protestant must file a full and complete written protest statement identifying the specific grounds for the protest. The statement must contain, in detail, the reasons, law, rule, regulation, or practice that the protestant believes DHS has improperly applied in awarding the contract.

4) Submitting a Protest

Protests must be filed with both the Department of General Services and the Department of Health Services. You may hand deliver, mail or fax your protest.

Label, address and submit the initial protest notice and detailed protest statement using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
Protest to DHS RFP 03-75810 Dept. of Health Services Contract Management Unit 1501 Capitol Avenue, Suite 71.2101, MS 1403 P.O. Box 942732 Sacramento, CA 94234-7320	Protest to DHS RFP 03-75810 Dept. of Health Services Contract Management Unit Fax: (916) 650-0110
Protest to DHS RFP 03-75810 Dept. of General Services Office of Legal Services Attention: Protest Coordinator 707 Third Street P.O. Box 989052 West Sacramento, CA 95798-9052	Protest to DHS RFP 03-75810 Dept. of General Services Office of Legal Services Fax: (916) 376-5088

For Faxed Protests

Faxed protests must be followed-up by sending an original signed protest, with all supporting material, within one (1) calendar week of submitting the faxed protest.

Call the telephone numbers below to confirm your fax transmission:

Department of General Services (916) 376-5080
Contract Management Unit (916) 650-0100

5. Disposition of Proposals

- a. All materials submitted in response to this RFP will become the property of the Department of Health Services and, as such, are subject to the Public Records Act (GC Section 6250, et seq.). DHS will disregard any language purporting to render all or portions of any proposal confidential.
- b. Proposals are public records upon the posting of a Notice of Intent to Award. However, the contents of all proposals, draft RFPs, correspondence, agenda, memoranda, working papers, or any other medium, which discloses any aspect of a Proposer's proposal, shall be held in the strictest confidence until the award is made. DHS shall hold the content of all working papers and discussions relating to a proposal confidential indefinitely, unless the public's interest is best served by disclosure because of its pertinence to a decision, agreement, or the evaluation of a proposal. A Proposer's disclosure of this subject is a basis for rejecting a proposal and ruling the Proposer ineligible to participate further in the bidding process.
- c. DHS may return a proposal to a Proposer at their request and expense after DHS concludes the bid process.

6. Inspecting or Obtaining Copies of Proposals

a. Who Can Inspect or Copy Proposal Materials

Any person or member of the public can inspect or obtain copies of any proposal materials.

b. What Can Be Inspected / Copied and When

- 1) On or after DHS posts the Notice of Intent to Award, all proposals, Proposers list, conference sign-in/attendance sheet, letters of intent, checklists and/or scoring/evaluation sheets become public records. These records shall be available for review, inspection and copying during normal business hours.

c. Inspecting or Obtaining Copies of Proposal Materials

Persons wishing to view or inspect any proposal or award related materials must identify the items they wish to inspect and must make an inspection appointment by contacting **Cristyn Lao at (916) 323-7406**.

Persons wishing to obtain copies of proposal materials may visit DHS or mail a written request to the DHS office identified below. The requestor must identify the items they wish to have copied. Materials will not be released from State premises for the purposes of making copies.

Unless waived by DHS, a check covering copying and/or mailing costs must accompany the request. Copying costs, when applicable, are charged at a rate of ten cents per page. DHS will fulfill all copy requests as promptly as possible. Submit copy requests as follows:

Request for Copies - RFP 03-75810

Department of Health Services
Office of Medi-Cal Procurement
Attn: Cristyn Lao
600 North Tenth Street, Room 240C
PO Box 942732
Sacramento, CA 94234-7320

7. Verification of Proposer Information

By submitting a proposal, Proposers agree to authorize DHS to:

- a. Verify any and all claims made by the Proposer including, but not limited to verification of prior experience and the possession of other qualification requirements, and
- b. Check any reference identified by a Proposer or other resources known by the State to confirm the Proposer's business integrity and history of providing effective, efficient and timely services.

8. DHS Rights

In addition to the rights discussed elsewhere in this RFP, DHS reserves the following rights.

a. RFP Corrections

- 1) DHS reserves the right to do any of the following up to the proposal submission deadline:
 - a) Modify any date or deadline appearing in this RFP or the RFP Time Schedule.
 - b) Issue clarification notices, addenda, alternate RFP instructions, forms, etc.
 - c) Allow Proposers to submit questions about any RFP change, correction or addenda. If DHS allows such questions, specific instructions will appear in the cover letter accompanying the document.
- 2) If this RFP is clarified, corrected, or modified, DHS will mail, fax or E-mail a clarification notice and/or RFP addenda to all persons/firms that have submitted a Letter of Intent. This information may also be obtained by accessing the Office of Medi-Cal Procurement website <http://www.dhs.ca.gov/omcp>.

If DHS decides, just before or on the proposal due date, to extend the submission deadline, DHS may choose to notify potential Proposers of the extension by fax or by telephone. DHS will follow-up any verbal notice in writing, by fax, or by mail.

b. Collecting Information from Proposers

- 1) If deemed necessary, DHS may request a Proposer to submit additional documentation during or after the proposal review and evaluation process. DHS will advise the Proposers orally, by fax, or in writing of the documentation that is required and the timeline for submitting the documentation. DHS will follow-up oral instructions in writing, by fax, or mail. Failure to submit the required documentation by the date and time indicated may cause DHS to deem a proposal non-responsive.

- 2) DHS, at its sole discretion, reserves the right to collect, by mail, fax or other method; the following omitted documentation and/or additional information.
 - a) Signed copies of any form submitted without a signature.
 - b) Data or documentation omitted from any submitted RFP attachment/form.
 - c) Information/material needed to clarify or confirm certifications or claims made by a Proposer.
 - d) Information/material needed to correct or remedy an immaterial defect in a proposal.
 - 3) The collection of Proposer documentation may cause DHS to extend the date for posting the Notice of Intent to Award. If DHS changes the posting date, DHS will advise the Proposers, orally or in writing, of the alternate posting date.
- c. Immaterial Proposal Defects
- 1) DHS may waive any immaterial deviation or defect in any proposal. DHS reserves the right to use its best judgment to determine what constitutes an immaterial deviation or defect. DHS may, in its sole discretion, either allow the Proposer to remedy immaterial deviations or defects, or waive the need to remedy them.
 - 2) DHS' waiver of an immaterial deviation or defect in a proposal shall in no way modify this RFP or excuse a Proposer from full compliance with all bid requirements.
- d. Correction of Clerical or Mathematical Errors
- 1) DHS reserves the right, at its sole discretion, to overlook, correct, or require a Proposer to remedy any obvious clerical or mathematical errors occurring in the narrative portion of a proposal or, on the Cost Proposal form.
 - 2) If the correction of an error results in an increase or decrease in the total price, DHS shall give the Proposer the option to accept the corrected price or withdraw their proposal.
 - 3) Proposers may be required to initial corrections to costs and dollar figures on the Cost Proposal form if the correction results in an alteration of the annual costs or total cost offered.
- e. Right to Remedy Errors
- 1) DHS reserves the right, at any time, to waive any RFP requirement or instruction for all Proposers if DHS determines that the requirement or instruction was unnecessary, erroneous or unreasonable.
 - 2) DHS reserves the right, at any time, to remedy errors caused by:
 - a) DHS office equipment malfunctions or negligence by agency staff,
 - b) Natural disasters (i.e., floods, fires, earthquakes, etc.).
- f. No Contract Award or RFP Cancellation

The issuance of this RFP does not constitute a commitment by DHS to award a contract. DHS reserves the right to reject all proposals and to cancel this RFP if it is in the best interests of DHS to do so.

g. Contract Amendments After Award

As provided in the Public Contract Code governing contracts awarded by competitive bid, DHS reserves the right to amend the contract after DHS makes a contract award.

h. Proposed Use of Subcontractors and/or Independent Consultants

Specific subcontract relationships proposed in response to this RFP (i.e., identification of pre-identified subcontractors and independent consultants) shall not be changed during the procurement process or prior to contract execution. The pre-identification of a subcontractor or independent consultant does not affect DHS' right to approve personnel or staffing selections or changes made after the contract award.

i. Staffing Changes After Contract Award

DHS reserves the right to approve or disapprove changes in key personnel that occur after DHS awards the contract.

O. Bidding Certification Clauses

1. Certificate of Independent Price Determination

a. The prospective Proposer certifies that:

- 1) The prices in this bid or proposal have been arrived at independently without any consultation, communication or agreement with any other Proposer or competitor for the purpose of restricting competition relating to:
 - a) The prices or costs offered,
 - b) The intention to submit a bid or proposal,
 - c) The methods or factors used to calculate the costs or prices offered.
- 2) The prices in this bid or proposal have not been and will not be knowingly disclosed by the Proposer, directly or indirectly, to any other Proposer or competitor before the bid/cost proposal opening date or date of contract award posting, unless otherwise required by law.
- 3) No attempt has been made or will be made by the Proposer to induce any other firm or entity to submit or not to submit a bid or proposal for the purpose of restricting competition.

b. Each signature appearing on the documents contained in this bid package/proposal is considered to be a certification by the signatory that the signatory:

Is the person in the Proposer's organization that is either responsible for determining the prices offered in this bid or proposal and/or is designated to complete the bid or proposal forms on behalf of the bidding firm, and the signatory has not participated and will not participate in any action contrary to all subsections of paragraph a.

2. Debarment and Suspension Certification

- a. The Contractor certifies to the best of its knowledge and belief, that it and its principals:
 - 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency;
 - 2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph a.2) of this certification; and
 - 4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
 - 5) It shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction, unless authorized by the State.
 - 6) It will include a clause entitled "Debarment and Suspension Certification" that essentially sets forth the provisions herein, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- b. If the Contractor is unable to certify to any of the statements in this certification, the Contractor shall submit an explanation to the program funding this contract.

3. Lobbying Restrictions and Disclosure

(This certification only applies if the resulting contract total will equal or exceed \$100,000 and the contract will be federally funded in part or whole.)

- a. The Contractor certifies, to the best of its knowledge and belief, that:
 - 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - 2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Contractor shall complete and submit federal Standard

Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

- 3) The Contractor shall require that the contents of this certification be collected from the recipients of all subawards, exceeding \$100,000, at all tiers (including subcontracts, subgrants, etc.) and shall be maintained for three years following final payment/settlement of those agreements.
- b. This certification is a material representation of fact upon which reliance was placed when this contract was made and/or entered into. The making of the above certification is a prerequisite for making or entering into this contract pursuant to 31 U.S.C. 1352 (45 CFR 93). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- c. The Standard Form-LLL may be obtained from various federal agencies, federally sponsored World Wide Web Internet sites, DHS upon request, or may be copied from Exhibit D(F) entitled, Special Terms and Conditions.

P. Preference Programs

To confirm the identity of the highest scored responsible Proposer, DHS will adjust the total point score for applicable claimed preference(s). DHS will apply preference adjustments to eligible Proposers according to State regulations following verification of eligibility with the appropriate office of the Department of General Services.

1. Small Business Enterprises (including Microbusinesses)

- a. Responsive and responsible California Proposers claiming preference and verified as a certified small business (including microbusiness) in a relevant business type will be granted a preference of five percent (5%) of the total point score earned by the responsive and responsible Proposer with highest combined score, if the highest scored proposal is submitted by a Proposer that is not certified as a California small business (including microbusinesses) in a relevant business type. The "service" category or business type will most likely apply to this procurement.
- b. To be certified as a "small business" (including a microbusinesses) and eligible for a bidding preference the business concern must:
 - 1) Have requested the status of small business and/or microbusiness and become certified by the appropriate office of the Department of General Services (DGS) [formerly referred to as Office of Small Business Certification and Resources] as a small business no later than 5:00 p.m. on the proposal submission deadline.
 - 2) Not be dominant in its field of operations,
 - 3) Be independently owned and operated,
 - 4) Have its principal office located in California,
 - 5) Have its owners (or officers in the case of a corporation) domiciled in California,
 - 6) Together with its affiliates be either:
 - a) A non-manufacturer with 100 or fewer employees and average annual gross receipts of ten million dollars or less over the previous three years, or
 - b) A manufacturer with 100 or fewer employees.

- c. Firms desiring small business and/or microbusiness certification must obtain a Small Business Certification Application (STD 813) from the appropriate office of the Department of General Services [formerly Office of Small Business Certification and Resources (OSBCR)], fully complete the form, and return it to the Department of General Services as instructed. Bidding firms desiring small business certification assistance, may contact the Department of General Services by the following means:

- 1) (916) 322-5060 (24 hour recording and mail requests), or
- 2) (916) 375-4940 or (800) 559-5529 (live operator), or
- 3) Internet address: <http://www.dgs.ca.gov/osbcr> or
- 4) Fax: (916) 375-4950, or
- 5) Email: osbcrhelp@dgs.ca.gov

2. Target Area Contract Preference Act (TACPA) and Enterprise Zone Act (EZA)

- a. Government Code (GC) section 4530 (TACPA) and GC section 7070 (EZA) provide that California based companies shall be granted a 5% preference, not to exceed a maximum of \$50,000, whenever a state agency prepares a solicitation for **services** in excess of \$100,000. The preference(s) shall apply if the worksite is not fixed by the government agency and the company can demonstrate and certify, under the penalty of perjury, that at least 90 percent of the total labor hours required to perform the services contract shall be performed at an identified worksite located in a distressed area (TACPA) or enterprise zone (EZA).
- b. Additional work force preferences ranging from 1% to 4% can be earned by eligible proposers that agree to hire 5% to 20% of persons with a high risk of unemployment or those living in a targeted employment area or that are enterprise zone eligible to perform a specified percentage of the contract work.
- c. Proposers seeking TACPA and/or EZA preference must submit a completed STD 830 - Target Area Contract Preference Act Request (**Attachment 8**) or a STD 831 - Enterprise Zone Act (EZA) Preference Request (**Attachment 9**) with their proposal. The preference request form must include the following:
- 1) All appropriate certifications. (TACPA and EZA)
 - 2) The proposing firm's name and the name of all suppliers and subcontractors that will work with the proposer to fulfill the terms of the contract along with the addresses of each of the worksite(s) and estimated labor hours. (TACPA and EZA)
 - 3) County census tract number and block group number. (TACPA)
 - 4) Enterprise zone name(s). (EZA)
 - 5) Proposer's original signature. (TACPA and EZA)
- d. TACPA and/or EZA preference cannot be claimed or granted if:
- 1) The lowest responsible proposed cost does not equal or exceed \$100,000 for the entire term, **or**
 - 2) The work site or any part thereof is fixed or preset by the State, **or**
 - 3) The services involve construction or a public works project.
- e. A proposer who has claimed a TACPA and/or EZA preference and is awarded the contract will be obligated to perform in accordance with the preference(s) requested,

provided the preference was granted in obtaining the contract. Firms receiving preference must:

- 1) Report their labor hours to the State and
 - 2) Reference the state contract on which the award is based for the specific reporting requirements.
- f. Proposers wishing to learn more about TACPA and/or EZA requirements, designated work site(s) or enterprise zones in California should contact the appropriate office of the Department of General Services (formerly known as OSBCR) at (916) 375-4940. DGS will attempt to determine TACPA and/or EZA eligibility within two working days.

3. Combined Preferences

The maximum preference or cost reduction that any Proposer may be granted for small business, TACPA and EZA preference combined is 15% or \$100,000, whichever is less.

Any firm that claims and is granted EZA and/or TACPA preference cannot displace an award to a certified small business (including microbusiness).

Q. Contract Terms and Conditions

The winning Proposer must enter a written contract that may contain portions of the Proposer's proposal (i.e., Cost Proposal Form and Work Plan), Scope of Work, standard contract provisions, the contract form, and the exhibits identified below. Other exhibits, not identified herein, may also appear in the resulting contract.

The exhibits identified in this section contain contract terms that require strict adherence to various laws and contracting policies. DHS will not accept alterations to the General Terms and Conditions (GTC), DHS' Special Terms and Conditions, the Scope of Work, other exhibit terms/conditions, or alternate language that is proposed or submitted by a prospective contractor. A Proposer's unwillingness or inability to agree to the proposed terms and conditions shown below or contained in any exhibit identified in this RFP may cause DHS to deem a Proposer non-responsible and ineligible for an award. DHS reserves the right to use the latest version of any form or exhibit listed below in the resulting agreement if a newer version is available.

The exhibits identified below illustrate many of the terms and conditions that appear in the final agreement between DHS and the winning Proposer. Other terms and conditions, not specified in the exhibits identified below, may also appear in the resulting agreement. Some terms and conditions are conditional and may only appear in an agreement if certain conditions exist (i.e., contract total exceeds a certain amount, federal funding is used, etc.).

1. Sample Contract Forms / Exhibits

Exhibit Label	Exhibit Name
a. Exhibit A-1	Standard Agreement (1 page)
b. Exhibit A	Scope of Work (2 pages)
c. Exhibit A, Attachment I	Position Duty Statements (5 pages)

Exhibit Label	Exhibit Name
d. Exhibit B	Payment Provisions (3 pages)
e. Exhibit C - View on-line.	General Terms and Conditions (GTC 103). View or download this exhibit at this Internet site http://www.ols.dgs.ca.gov/Standard+Language/default.htm .
f. Exhibit D(F)	Special Terms and Conditions (26 pages)
g. Exhibit E	Additional Provisions (6 pages)
h. Exhibit F	Contractor's Release (1 page)
i. Exhibit G	Travel Reimbursement Information (2 pages)
j. Exhibit H	HIPAA Business Associate Addendum (6 pages)
k. Exhibit I	Technical Proposal submitted by Contractor on XX/XX/XXXX (XX pages)

2. Unanticipated Tasks

In the event unanticipated or additional work must be performed that is not identified in this RFP, but in DHS' opinion is necessary to successfully accomplish the scope of work, DHS will initiate a contract amendment to add that work. All terms and conditions appearing in the final contract will apply to any additional work.

3. Resolution of Language Conflicts (RFP vs. Final Agreement)

If an inconsistency or conflict arises between the terms and conditions appearing in the final agreement and the proposed terms and conditions appearing in this RFP, any inconsistency or conflict will be resolved by giving precedence to the final agreement.